

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, February 3, 2009, the following members were present:

Greg Jergeson, Chair
Ken Toole, Vice Chair
Gail Gutsche, Commissioner
Brad Molnar, Commissioner
John Vincent, Commissioner

Commissioner Toole and Molnar were present via telephone.

APPEARANCE
Wayne Budt, Administrator
Transportation & Centralized Services Division

(47) In the matter of T-09.2 PCN – On December 26, 2008, Great Falls Emergency Services, Inc., Great Falls, Montana filed an application for a certificate of public convenience and necessity. That application was noticed to the public on January 8, 2009, and no protests were received.

Commissioner Jergeson moved to APPROVE the request for authority as requested.
Commissioner Toole seconded the motion, which passed unanimously.

(48) In the matter of N2431 – Bayside Disposal, Inc. d/b/a Disposal Service of Montana, Lewistown, Montana requests permission to continue the lease of PSC No. 9412 to City of Cut Bank, a Municipal Entity, Cut Bank, Montana for a one year period, January 18, 2009, to January 18, 2010.

Commissioner Toole moved to APPROVE the lease as requested. Commissioner Gutsche seconded the motion, which passed unanimously.

(49) In the matter of the approval of Commission Minutes for the week of January 26, 2009:

Commissioner Molnar moved to APPROVE the Commission Minutes for the week of January 26, 2009. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE
Jim Paine, Legal Division
Gary Duncan, Utility Division

(50) In the matter of the Commission's discussion in Docket No. D2008.12.140 – Cable &

Communications Corporation (C&C) – C&C’s application for approval of their cost data:

Commissioner Jergeson moved to APPROVE the procedural order as drafted by staff with minor editing in Docket No.D2008.12.140. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Jim Paine, Legal Division

(51) In the matter of the Commission's discussion in Docket No. N2008.5.55 – Lincoln Telephone Company – request for a protective order:

Commissioner Gutsche moved to REAFFIRM the July 10, 2008 vote to issue a protective order protecting the ten highest salaries reported in the annual report. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division

(52) In the matter of the Commission's discussion in Docket No. D2008.3.27 – Energy West and Cut Bank Gas for approval of the acquisition of CBG by EWI:

Commissioner Toole moved to APPROVE the Motion to Extend Procedural Order to extend deadlines by approximately 30 days, direct staff to vacate the present schedule and issue a new procedural order approximately 30 days from the present schedule. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Eric Dahlgren, Utility Division

(53) In the matter of the Commission's discussion in Docket No. D2008.9.107 – Energy West Montana – petition for a special permit for the use of polyamide 12 piping for natural gas:

Commissioner Jergeson moved to APPROVE EWM’s request for a special permit and direct commission staff to forward an order contained in a Notice of Commission Action approving the special permit with the staff recommended conditions to PHMSA. Commissioner Molnar seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division

(54) In the matter of the Commission's discussion in Docket No. D2008.5.44 – NorthWestern

Energy Natural Gas Tracker True-up – to consider and act on NWE and MCC’s Joint Motion to Vacate Hearing:

Commissioner Toole moved to GRANT the Motion to Vacate Hearing currently scheduled for February 4, 2009, and enter the exhibits showing gas costs into the record in Docket No. D2008.5.44. Commissioner Molnar seconded the motion, which passed 4 to 1. Commissioner Vincent voted no.

APPEARANCE

Robin McHugh, Administrator, Legal Division

(55) In the matter of the Commission's discussion of e-mail and other information requests: 1. To discuss and approve the privacy log and release of former Commissioner Mood’s PSC computer e-mails; 2. To discuss and approve the privacy log and release of Commissioner Molnar’s PSC computer e-mails; 3. To discuss and approve response to Mike Dennison’s December 15, 2008, letter, regarding payment of costs for ITSD retrieval of e-mail information, sent in response to PSC letter of November 25, 2008:

MOTION 1: Commissioner Toole moved to APPROVE the distribution of former Commissioner Mood’s unredacted e-mails to the requestor. Commissioner Gutsche seconded the motion, which passed 4 to 1. Commissioner Molnar voted no.

MOTION 2: Commissioner Toole moved to APPROVE the distribution of Commissioner Molnar’s unredacted e-mails to the requestor. Commissioner Vincent seconded the motion which passed with a vote of 4 to 1. Commissioner Molnar voted no.

MOTION 3: Commissioner Molnar moved to APPROVE the draft response to Mike Dennison and the Lee Bureau. Commissioner Toole seconded the motion, which passed 4 to 1. Commissioner Vincent voted no.

APPEARANCE

Jim Paine, Legal Division

(56) In the matter of the Commission's discussion in Docket No. T-08.40.COM – Complainant-Classic Limo, formal complaint and objection to defendant’s discovery:

Commissioner Molnar moved to DIRECT staff to sustain objections of Classic Limo to discovery questions from Montana Mountain Express. Commissioner Vincent seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

GREG JERGESON, Chair

KEN TOOLE, Vice Chair

GAIL GUTSCHE, Commissioner

BRAD MOLNAR, Commissioner

JOHN VINCENT, Commissioner

ATTEST:

Verna Stewart
Commission Secretary

(SEAL)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Wednesday, February 4, 2009, the following members were present:

Greg Jergeson, Chair
Ken Toole, Vice Chair
Gail Gutsche, Commissioner
Brad Molnar, Commissioner
John Vincent, Commissioner

Commissioner Vincent and Molnar were present via telephone.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(57) In the matter of the Commission's discussion in Docket No. TN2432, TN2433 – Flathead Area Custom Transportation Inc. d/b/a Kalispell Taxi and Airport Shuttle Service – Lease of PSC 56 and PSC 9364:

Commissioner Toole moved to APPROVE continuation of PSC 56 and PSC 9364 for 12 months. Commissioner Gutsche seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

GREG JERGESON, Chair

KEN TOOLE, Vice Chair

GAIL GUTSCHE, Commissioner

BRAD MOLNAR, Commissioner

JOHN VINCENT, Commissioner

ATTEST:

Verna Stewart
Commission Secretary

(SEAL)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Thursday, February 5, 2009, the following members were present:

Greg Jergeson, Chair
Ken Toole, Vice Chair
Gail Gutsche, Commissioner
Brad Molnar, Commissioner
John Vincent, Commissioner

Commissioner Vincent was present via telephone.

(58) In the matter of the Commission's discussion of Legislative issues – discuss bills relevant to PSC mission, statutory authority, administrative process and general agency concerns; consider staff analysis and recommendations; provide direction on PSC response to bills - HB343 and HB 392:

MOTION 1: Commissioner Toole moved to OPPOSE HB 343. Commissioner Gutsche seconded the motion, which passed 4 to 1. Commissioner Molnar voted no.

MOTION 2: Commissioner Molnar moved to OPPOSE HB 392. Commissioner Toole seconded the motion, which failed 0 to 4. Commissioner Molnar abstained.

There being no further business to come before the Commission the meeting was adjourned.

GREG JERGESON, Chair

KEN TOOLE, Vice Chair

GAIL GUTSCHE, Commissioner

BRAD MOLNAR, Commissioner

JOHN VINCENT, Commissioner

ATTEST:

Verna Stewart
Commission Secretary

(SEAL)